

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

AH4R-CA, LLC,
Plaintiff,

v.

JOSEFINA LAMPA DE LEON, et al.,
Defendants.

Case No. [13-cv-04392-WHO](#)

ORDER REMANDING CASE

Re: Dkt. No. 1

On March 21, 2013, plaintiff AH4R-CA, LLC filed a complaint for unlawful detainer in Contra Costa Superior Court against defendants Josefina Lampa de Leon and Arturo de Leon, entitled *AH4R-CA, LLC v. Josefina Lampa*, Contra Costa Superior Court, Case No. PS13-0434. See Dkt. No. 13 pages 5-7. The defendants removed the matter to this Court on April 12, 2013, where it was assigned case number 13-cv-1667. See *AH4R-CA, LLC v. Josefina Lampa*, Case No. 13-cv-1667 (N.D. Cal.).

On September 12, 2013, the Court granted AH4R-CA, LLC's motion to remand the matter to the Contra Costa Superior Court. *AH4R-CA, LLC v. Josefina Lampa*, Case No. 13-cv-1667, Dkt. No. 38. The Court explained that remand was required as the Court lacked subject matter jurisdiction over the complaint. The Court noted that there was no federal question jurisdiction over the complaint as "California federal courts have repeatedly held that unlawful detainer cases brought under California Civil Code Section 1161 do not raise federal questions." *Id.* at 3. The Court also noted that the defendants' references to federal claims and defenses in their Notice of Removal did not provide federal questions jurisdiction: "Although the defendants' Notice of Removal and opposition brief make vague references to federal questions based on claims or defenses they may raise, that is insufficient to provide jurisdiction, which must be assessed on the

1 face of the Complaint and the claims made by the plaintiff.” *Id.* Nor was there diversity
2 jurisdiction because “[a]t least one of the defendants claims that he or she is a citizen of
3 California.” *Id.* at 3.

4 On September 23, 2013, the defendants removed the *same* complaint to this Court a second
5 time. *Compare* Dkt. No. 3 pages 5-7 (complaint for unlawful detainer filed in Contra Costa
6 Superior Court attached to Notice to Adverse Party of Removal in this action) *with AH4R-CA,*
7 *LLC v. Josefina Lampa*, Case No. 13-cv-1667, Dkt. No. 2 pages 23-25 (same complaint for
8 unlawful detainer attached to Notice to Adverse Party of Removal in action previously remanded
9 by the Court).

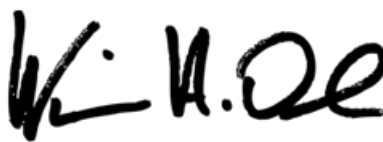
10 For the reasons stated in the Court’s prior order, the Court lacks subject matter jurisdiction
11 over AH4R-CA, LLC’s complaint for unlawful detainer, and the matter must be remanded to
12 Contra Costa Superior Court). As stated in that order, the defendants’ “references to federal
13 questions based on claims or defenses they may raise . . . [are] insufficient to provide jurisdiction,
14 which must be assessed on the face of the Complaint and the claims made by the plaintiff.” *Id.*

15 CONCLUSION

16 Because there is no basis for the Court to exercise subject matter jurisdiction over the case,
17 the case shall be REMANDED to the Superior Court of California, County of Contra Costa.

18 **IT IS SO ORDERED.**

19 Dated: October 15, 2013



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21 WILLIAM H. ORRICK
United States District Judge
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